

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

Y-TRAP, INC.,

Plaintiff,

v.

BIOCON LTD. AND BICARA  
THERAPEUTICS, INC.,

Defendants.

C.A. No. 1-24-cv-12678-GAO

**DEFENDANTS' RESPONSE TO PLAINTIFF'S  
MOTION TO RESET SCHEDULING CONFERENCE**

Defendants Biocon Ltd. ("Biocon") and Bicara Therapeutics, Inc. ("Bicara") (together, "Defendants") hereby respond to the motion to reset scheduling conference filed by Plaintiff Y-Trap, Inc. ("Y-Trap" or "Plaintiff") (Dkt. No. 42).

The Defendants have no objection to resetting the February 11, 2025 scheduling conference, and they have no interest in disrupting Mr. Tellekson's vacation. However, the Defendants have a different viewpoint as to when the scheduling conference should take place. Therefore, after Y-Trap requested the conference be continued, the undersigned counsel for Biocon emailed Y-Trap's counsel and agreed, but explained that the Defendants would prefer that the scheduling conference be continued until after the forthcoming motions to dismiss are decided. Biocon's counsel suggested the parties prepare a joint motion for a continuance with each side setting forth their respective positions as to when the conference should take place, and he concluded his email with "Please let us know your thoughts on this approach." Y-Trap's counsel did not respond. Nor did they ask for a Local Rule 7.1 conference before they filed their motion.

The Defendants' position is straightforward and sensible. Bicara will file a motion to dismiss all of the causes of action asserted against it on January 10, 2025. Biocon will file a motion to dismiss all of the causes of action asserted against it on January 21, 2025. If the motions are granted, there will be no need for a scheduling conference. If they are denied in any respect, a scheduling conference can be held shortly thereafter, and the parties will benefit from the Court's rulings as they discuss an appropriate plan for discovery going forward (e.g. if certain causes of action are dismissed but others remain, the scope of discovery will change). Postponing the scheduling conference until after a decision on the motions to dismiss is a reasonable approach under the circumstances, and causes no unfair prejudice to Y-Trap, as it contends.<sup>1</sup> It also promotes the stated purpose of administering the Federal Rules of Civil Procedure "to secure the just, speedy, and inexpensive determination" of this action. Fed. R. Civ. P. 1. In order to have a meaningful Rule 16 conference, the parties will need to devote considerable time and expense to conferring regarding a plan for discovery and preparing a joint statement, among other tasks. To undertake these tasks while the parties are briefing motions to dismiss is unnecessarily burdensome and expensive.<sup>2</sup>

For all of these reasons, the Defendants respectfully request that the initial scheduling conference be continued until after the Court decides the Defendants' motions to dismiss.

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<sup>1</sup> The Defendants also disagree with Y-Trap's assertions that this is a "competitor dispute," that the Defendants are competitors of Y-Trap, or that there is any ongoing harm to Y-Trap and its business. The Defendants' motions to dismiss will make this abundantly clear.

<sup>2</sup> If the Court is inclined to set a scheduling conference within the windows suggested by Y-Trap, Defendants can be available February 24, 25, 26, or 28 or March 18 or 19, 2025, dates counsel for Defendants would have shared during a Local Rule 7.1 conference.

Date: January 10, 2025

Respectfully submitted,

BIOCON LTD.,

By its attorneys,

/s/ Michael T. Maroney

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**CERTIFICATE OF SERVICE**

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on this 10th day of January, 2025.

/s/ Michael T. Maroney

Michael T. Maroney

Dated: January 10, 2025